



Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP



April 30, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Chipotle Mexican Grill, c/o Mr. Chuck Chavez
Fancher Development Group
1342 Bell Avenue, # 3K
Tustin, CA 92780

RE: CONDITIONAL USE PERMIT CASE NO. 00-258-(4)
 4718 Admiralty Way, Marina del Rey, California 90292

Dear Applicant:

The Regional Planning Commission, by its action of April 25, 2001, **APPROVED** the above described conditional use permit.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant.

If no appeal is made during this 15-day period, the Regional Planning Commission action is final. Upon completion of the 15-day period, the applicant can submit to the Department of Regional Planning staff the acceptance affidavit and any fees, deposits, plans or other materials required by the permit conditions. If you have any questions regarding this matter, please contact Aaron Clark of our Zoning Permits Section at (213) 974-6383.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning

Frank Meneses
Supervising Regional Planner
Zoning Permits Section

FM:AC

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion).
c:Board of Supervisors; Department of Public Works (Building and Safety); Department of
Public Works (Subdivision Mapping); Zoning Enforcement; California ABC.

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

CONDITIONAL USE PERMIT CASE NO. 00-258-(4)

COMMISSION HEARING DATE:

April 11, 2001

SYNOPSIS:

The applicant, Chipotle Mexican Grill, has requested a conditional use permit to authorize the sale of a full line of alcoholic beverages for on-site consumption at a proposed restaurant. The subject restaurant will be located in exiting, vacant lease space within the Marina Waterside Shopping Center, which is located at the northeast corner of the intersection of Admiralty Way and Fiji Way in Marina del Rey.

PROCEEDINGS BEFORE THE COMMISSION:

April 11, 2001 Public Hearing

A duly noticed public hearing was held. All Commissioners were present. One person, the applicant's agent, was sworn. Following staff's presentation to the Commission, the applicant's agent presented testimony in support of the project and answered questions posed by the Commission relating to proposed business operations. The Commissioners next discussed proposed hours of the sale of alcohol at the subject establishment.

There being no further testimony, the Commission closed the public hearing and directed staff to prepare findings and conditions for approval with a modified condition dictating that both hours of business operation and hours for the sale of alcoholic beverages at the restaurant be limited to between the hours of 10:00 a.m. and 11:00 p.m., seven days per week.

Findings:

1. The applicant has requested authorization to sell a full line of alcoholic beverages for on-site consumption at the proposed Chipotle Mexican Grill restaurant.
2. The subject restaurant will be located in existing, vacant lease space within the Marina Waterside Shopping Center, which is located at the northeast corner of the intersection of Admiralty Way and Fiji Way in Marina del Rey (4718 Admiralty Way).
3. The proposed restaurant is a permitted use under the subject property's zoning. Moreover, a coastal development permit is not required in this instance as no expansion of the existing lease space is being proposed.

4. Basic zoning for all parcels in the Marina del Rey unincorporated community is "SP" (Specific Plan) pursuant to the Marina del Rey Specific Plan. The Marina del Rey Specific Plan identifies all Marina parcels by land use category, each of which outlines general use restrictions and development standards.
5. The land use category designated for the 10.7-acre subject property (identified Parcel 50 in the Specific Plan) is "Visitor-Serving/Convenience Commercial". This land use classification is intended as a service-oriented category providing dining facilities, retail sales and personal services for visitors, residents and employees of the Marina.
6. The sale of alcoholic beverages for either on- or off-site consumption requires the prior obtainment of a conditional use permit in the "Visitor-Serving/Convenience Commercial" land use category.
7. The site plan depicts the 10.7-acre subject property developed with a shopping center comprised of 36 businesses in four buildings (labeled "A", "B", "C" and "D") totaling 125,366 square feet of building area. The site plan notes 49,350 square feet of landscaped area and 596 surface parking spaces. The subject 2,740 sq. ft. restaurant is proposed to be located in lease space denoted "A-14" on the site plan. Access to the shopping center is noted via Mindanao Way to the north, Lincoln Boulevard to the east, and Admiralty Way to the west.
8. Surrounding land uses within a 500-foot radius of the subject property include:
 - Office buildings (to north), boat sales, and boat slips (to northwest);
 - A gas station and vacant land (Playa Vista property) to the south;
 - Apartments, a gas station and strip commercial development to the east; and
 - Boat storage and boat slips to the west.
10. There are no public parks, churches, schools or other sensitive uses located within a 600-foot radius of the subject establishment.
11. There are currently four businesses licensed to sell alcoholic beverages within a 500-foot radius of the subject property, as follows: two restaurants licensed to sell a full line of alcoholic beverages for on-site consumption; one restaurant licensed to sell beer and wine for on-site consumption; and one grocery store licensed to sell a full line of alcoholic beverages for off-site consumption.

12. The Marina del Rey community houses numerous visitor-oriented restaurants and retail establishments and provides water-oriented recreational opportunities attracting thousands of tourists each year. Thousands of people also reside and work in Marina del Rey.
13. Staff contacted the Marina del Rey Sheriff's Station to solicit comment on the applicant's request to sell alcoholic beverages for on-site consumption at the restaurant. Sheriff's personnel noted that, from a public safety and welfare standpoint, they do not anticipate problems to arise with issuance of the subject permit.
14. Staff received no public comments regarding the applicant's request.
15. Marina del Rey is not considered to be a high-crime district or a blighted community.
16. With the addition of the subject restaurant, the Marina Waterside Shopping Center will maintain 64 parking spaces over County Zoning Ordinance requirements.
17. The applicant's storefront renovation and signage plans were reviewed by the Department of Beaches and Harbors' Design Control Board on October 19, 2000. Finding the applicant's request to be in conformance with the *Marina Specifications and Minimum Standards of Architectural Treatment and Construction*, the Design Control Board approved the plans on that date.
18. Given the Marina's visitor/tourist-serving character, it is appropriate in this case to authorize the sale of alcoholic beverages at the subject restaurant between the hours of 10:00 a.m. and 11:00 p.m., seven days per week.
19. The project is categorically exempt (Class 3) from environmental impact reporting requirements in that the applicant's proposal involves no additional construction.

BASED ON THE FOREGOING, THE COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, landscaping and other development features;
- D. That the proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. The requested use at the proposed location will not result in an undue concentration of similar premises;
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure is not inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

COMMISSION ACTION:

1. The Regional Planning Commission finds that the project is categorically exempt (Class 3) from the requirements of the California Environmental Quality Act and that the project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Conditional Use Permit No. **00-258-(4)** is GRANTED with the attached conditions.

VOTE: 5-0-0

Concurring: Vargo, Pederson, Valadez, Bellamy, Helsley

Dissenting:

Abstaining:

Absent:

Date of Action: April 25, 2001

FM:AC

**CONDITIONAL USE PERMIT NO. 00-258-(4)
CONDITIONS**

PAGE 1 OF 4

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested before the expiration date.
6. Once utilized, this grant will terminate ten (10) years after its effective date (on April 25, 2011). Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit, in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$1000.00. The fee shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 10 annual inspections.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.

CONDITIONAL USE PERMIT NO. 00-258-(4)
CONDITIONS

PAGE 3 OF 4

11. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
12. All structures, walls, and fences open to public view shall remain free of graffiti.
13. In the event of such graffiti occurring, the permittee shall cover said graffiti within 24 hours of such occurrence, weather permitting. Paint used in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
14. The subject property shall be developed and maintained in substantial compliance with the plans on file marked "Exhibit A". In the event that subsequent revised plans are submitted, the written authorization of the property owner is necessary.
15. This grant authorizes the sale of a full line of alcoholic beverages for on-site consumption incidental to the operation of a restaurant, subject to the following conditions:
 - a. The sale of alcoholic beverages shall be limited to on-site consumption only;
 - b. Hours of business operation and hours for the sale and service of alcoholic beverages at the subject establishment shall be limited to the following:

| Day of Week | Max. Hours of Operation | Day of Week | Max. Hours of Alcohol Sales |
|-------------|-------------------------|-------------|-----------------------------|
| Mon-Sun | 10:00 a.m.- 11:00 p.m. | Mon-Sun | 10:00 a.m. - 11:00 p.m. |

- c. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the restaurant;
- d. No self-illuminating advertising for alcoholic beverages shall be located on the building or windows;
- e. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
- f. The permittee shall abide by all requirements, licensing or otherwise, established for the sale of alcoholic beverages by the State Department of Alcoholic Beverage Control;
- g. The permittee shall maintain the property in a neat and orderly fashion;

**CONDITIONAL USE PERMIT NO. 00-258-(4)
CONDITIONS**

PAGE 4 OF 4

- h. The permittee shall maintain free of litter all areas of the premises under which applicant has control;
- i. No less than 24 parking spaces shall be continuously maintained in the Marina Waterside Shopping Center for use by patrons and employees of said restaurant;
- j. Assembly occupant load at said restaurant shall not exceed 73 persons, as determined by the Building and Safety Division of the County Department of Public Works;
- k. The permittee shall post signage on the premises in both English and Spanish, which is clearly visible to customers, prohibiting the consumption of alcohol outside of said restaurant's lease area.

FM:AC